



CAPITOL LAKE — DESCHUTES ESTUARY

Long-Term Management Project Environmental Impact Statement

Meeting Notes Summary

Date: November 7, 2022

Time: 9:00 to 10:13 a.m.

Location: Zoom

Topic: EWG & FGWG Joint Meeting

Meeting Participants

Work Group Members

- Jay Burney, City of Olympia
- Rich Hoey, City of Olympia
- Michael Althaus, City of Tumwater
- Debbie Sullivan, City of Tumwater
- John Doan, City of Tumwater
- Alex Smith, Washington Department of Natural Resources
- Justin Long, LOTT Clean Water Alliance
- Matt Kennelly, LOTT Clean Water Alliance
- Sam Gibboney, Port of Olympia
- Ray Peters, Squaxin Island Tribe
- Thomasina Cooper (for Tye Menser), Thurston County
- Jeff Gadman, Thurston County

Washington State House of Representatives

- Representative Steve Tharinger

Department of Enterprise Services

- Carrie Martin
- Ann Larson
- Bill Frare
- Dave Merchant (Office of the Attorney General)
- Christopher Ferguson

Environmental Impact Statement (EIS) Project Team

- Tessa Gardner-Brown, Floyd|Snider
- Karmen Martin, Environmental Science Associates
- Kim Mahoney, Floyd|Snider
- Kristen Legg, Floyd|Snider
- Sarah Reich, ECONorthwest

Public

- Wendy Brown
- Christopher Len
- Kelci Karl-Robinson
- Jen Masterson
- David Peeler
- James Crandall
- Mark Anderson
- Linda Kent
- Steve Shanewise



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Welcome, Introductions, and Meeting Objectives

Carrie Martin welcomed the Work Group members and introduced members of the EIS Project Team and members of the Department of Enterprise Services. Carrie then outlined the meeting's agenda items, which include:

- Description of the Preferred Alternative
- Key findings and updates in the Final EIS
- Memorandum of Understanding (MOU) for shared funding and governance
- Overview of next project phases
- Closing comment from work group members
- Time for public comment

Tessa Gardner-Brown described noteworthy items to the Work Group (see slide 3 of the [Presentation](#)), including:

- Acknowledgement that this meeting will be recorded and included on the [project website](#) by November 14, 2022
- Addressing that the Final EIS is available on the [project website](#)
- Explaining that the State Environmental Policy Act does not include a public comment period after issuance of a Final EIS.

Description of the Preferred Alternative

Tessa explained that the Estuary Alternative has been identified in the Final EIS as the preferred alternative for long-term management of the Capitol Lake – Deschutes Estuary. Tessa summarized key components of the preferred alternative (see [11:01 of the Working Group Recorded Presentation](#)), including:

- Construction of a new 5th Avenue bridge
- Dredging during construction
- Shoreline marsh habitat and tidal flats
- Boardwalks and hand-carried boat launch
- Removal of the 5th Avenue dam
- Maintenance dredging in West Bay



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Tessa offered further discussion of the maintenance dredging component of the Estuary Alternative. She explained that impacted areas along the eastern shoreline of West Bay would be dredged at an estimated 6-year frequency after removal of the 5th Avenue dam, and described that the maintenance dredging frequency would be informed by dredge triggers identified throughout the EIS process (see slide 6 of the [Presentation](#)).

Tessa then described that maintenance dredging was conducted by the US Army Corps of Engineers in the Deschutes Estuary before construction of the 5th Avenue Dam to support navigational uses like the Port of Olympia (established in 1922) and the Olympia Yacht Club (established in 1906). She explained that coordination regarding future maintenance dredging has occurred with USACE during the Draft EIS and Final EIS, and that future coordination with the USACE will occur at the design and permitting phases.

Tessa outlined the process and primary criteria that were used to identify a preferred alternative, noting that [Attachment 21 of the Final EIS](#) can be referenced to learn more about preferred alternative identification process. An outline of this process is provided on slide 9 of the [Presentation](#). Tessa provided summary scoring from the evaluation of the long-term management alternatives, including scoring from the stakeholders regarding decision durability. The narrative scoring clearly identifies the Estuary Alternative as the preferred alternative.

Question: Has Tacoma Rail offered public comment during any stage of the EIS?

Response: Tessa confirmed that the EIS Project Team notified both of the rail lines within the project area of the project scoping, the Draft EIS comment period and issuance of the Final EIS. Return comments have not been received by either. Tessa also clarified that no impacts would occur to the rail bridge or its operations as a result of the project.

Key Findings & Updates in the Final EIS

Karmen Martin introduced the key findings and updates that occurred during finalization of the EIS (see [25:55 of the Working Group Recorded Presentation](#)). Karmen first described the following modifications to the long-term management alternatives:

- Modification to both the Estuary and Hybrid Alternatives
 - The design of the 5th Avenue Bridge was revised (see conceptual revised bridge cross-section included on slide 13 of the [Presentation](#))
 - Long-term closure of the 5th Avenue corridor during construction can be avoided
- Modification to the Hybrid Alternative only
 - Includes a groundwater-fed (freshwater) reflecting pool, which would improve water quality compared to the saltwater reflecting pool included in the Draft EIS



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Karmen then discussed the Top 5 discipline-specific key updates made during EIS finalization (see slide 14 of the [Presentation](#)), as follows:

- Navigation: additional analysis was completed regarding potential delays to maintenance dredging, which found that if no maintenance dredging was to occur under the Estuary Alternative
 - 50% of the Olympia Yacht Club would be impacted in 30 years, and
 - 25% of other private marinas in West Bay would be impacted in 30 years
- Water Quality: updates to the regulatory compliance section, describing that:
 - The Estuary is the only alternative that can meet state water quality standards, and
 - Except for the Estuary Alternative, Total Maximum Daily Load (TMDL) allocations could shift responsibilities to LOTT Clean Water Alliance
- Aquatic Invasive Species: a shoreline survey of Budd Inlet was conducted after the Draft EIS
 - No New Zealand Mudsnail (NZMS) were found, despite having been transported through the 5th Avenue Dam since 2009
- Cultural Resources: determinations of eligibility from DAHP
 - Capitol Lake is not a historic resource
 - Additional indigenous context of the area was included in the Final EIS
- Fish and Wildlife: The EIS Project Team coordinated with WDFW and a local bat expert
 - A new mitigation measure was included to coordinate with wildlife experts regarding potential impacts to the local bat population
 - An annotated bibliography of fish and wildlife studies, including those submitted in Draft EIS comments, has been included in the Fish & Wildlife Discipline Report

Karmen then clarified that all technical analyses were updated as part of the Final EIS, in response to comments received on the Draft EIS. Refer to Table 5 of the Final EIS Summary for a description of the substantive changes to each analysis. See also [Attachments 5 through 18 to the Final EIS](#) for Discipline Reports.

Memorandum of Understanding for Shared Funding and Governance

Sarah Reich described the development and execution of a non-binding Memorandum of Understanding (MOU) for long-term governance, and shared funding of future sediment deposition in West Bay, as developed by the Funding and Governance Work Group (FGWG). See [35:25 of the Working Group Recorded Presentation](#).



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- The FGWG convened in 2016 at the direction of the State Legislature, as per Engrossed Substitute House Bill 2380 (see slide 18 of the Presentation).
- The FGWG includes:
 - City of Olympia
 - City of Tumwater
 - LOTT Clean Water Alliance
 - Port of Olympia
 - Squaxin Island Tribe
 - Thurston County
 - Washington State Department of Natural Resources
 - Department of Enterprise Services

Sarah described shared benefits of the Estuary Alternative. She reviewed initial recommendations of the FGWG, noting that construction costs would be the responsibility of the State, and that long-term maintenance of the Estuary Alternative would be the shared responsibility of the FGWG. Sarah discussed the benefits shared among the FGWG from project implementation and maintenance dredging, some of which are included on slide 19 of the [Presentation](#). Sarah then outlined the shared governance and funding responsibilities that have been agreed to in the MOU (see slides 20-21 of the [Presentation](#)). She explained that the MOU is a non-binding agreement bridging to a binding Interlocal Agreement.

Overview of Next Project Phases

Carrie described the next phases of the project (see [44:43 of the Working Group Recorded Presentation](#)), including:

- Design and permitting phase
 - Conceptual designs advanced to final design
 - Design and permitting duration estimated to take 3-5 years
 - Federal, state, and local permits obtained
 - Continued stakeholder involvement will take place
- Estuary restoration phase
 - Construction funds from federal, state, and other sources will be pursued
 - Construction duration could take up to 8 years
 - Will occur after the Port-led remediation of contaminated sediment in West Bay



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Ann noted that DES is looking to capitalize on diverse funding opportunities for project construction costs (i.e., federal allocations) to reduce the direct investment needed by the state, and is working with stakeholders to explore these opportunities.

Carrie then explained a graphical depiction of the potential timeline for implementation of the Estuary Alternative and other planned actions in the project area; this graphic is included on slide 25 of the [Presentation](#).

Closing Comments from Work Group Members

Carrie invited each member of the Work Group to provide closing comments or questions they may have (see [51:46 of the Working Group Recorded Presentation](#)). Work Group members generally offered their gratitude for the collaboration and coordination, and for the consideration of community-specific concerns that were considered in the Final EIS. Comments and questions requiring substantive response from the Project EIS Team are included below:

Question: The goal is to pursue funding for design/permitting in next legislative session, correct?

Response: Carrie confirmed that this is correct.

Question: How might the EWG and FGWG members be helpful in securing these funds?

Response: Ann said that DES has a budget request submitted to the Governor's Office and the Office of Financial Management (OFM), and that the approved budget will be released in December. Ann said that letters of support from the Work Group members to the Governor's Office and OFM may help secure requested funds given the show of local support. Ann also noted that if the project is included in the Governor's budget, then Work Group members could continue to show support through the legislative session to help further in securing funds for design and permitting. Ann said that it is important to show strong local support for the Estuary, and important to also continue communicating that "no action" is not an option for the project.

Public Comment

David Peeler, representing the Deschutes Estuary Restoration Team, communicated appreciation to the EIS Project Team and members of the EWG and FGWG, noting that the result has been incredible and overwhelming. David asked what the scale of the budget request is for estimated design and permitting project costs, and also asked whether a budget request over the next several years been prepared.



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Carrie explained that DES has put in a placeholder budget request for \$17 million to cover the design and permitting costs. Carrie also noted that planning-level cost estimates for construction costs are included in the Final EIS, and that those estimates will be fine-tuned as the project advances into final design.

Adjourn

Carrie thanked the attendees and verbalized her appreciation for their coordination throughout the project. Carrie adjourned the meeting at 10:13 a.m.